

Docket No.: 94100423(EP)USC1X1C1D7D1 PDDD
USSN: 09/974,530

PATENT
Art Unit: 2613

REMARKS

This Amendment is in response to the Office Action mailed February 25, 2005. Claims 1-37 are pending in the present application. In the Office Action, the Examiner rejected claims 1-37 under 35 U.S.C. § 102. Applicant has canceled claims 12-24, and amended claims 1, 2, 9, and 25. Applicant traverses the rejection for at least the following reasons:

VI. REJECTIONS UNDER 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-37 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,978,592 issued to Wise, et al., ("Wise"). Applicant respectfully traverses the rejections because: 1) the present invention is not predated by the critical reference date for Wise under 35 U.S.C. § 102(e); and 2) the prior art does not teach, suggest, or describe user data and an extension data associated with the respective different standards.

The present invention is not predated by the critical reference
date for Wise under 35 U.S.C. § 102(e)

The critical reference date for Wise, with respect to 35 USC §102(e), is its US filing date. The earliest priority for the US filing date for Wise is June 24, 1993. (Please See, MPEP § 2136.03, where it is stated that 35 USC § 102(e) is "explicitly limited to certain references 'filed in the United States before the

Docket No.: 94100423(EP)USC1X1C1D7D1 PDDD
USSN: 09/974,530

PATENT
Art Unit: 2613

invention thereof by the applicant' (emphasis added)). Thus, any foreign priority for Wise that predates June 24, 1993 is not a basis for a rejection under 35 USC § 102(e). (See, MPEP § 2136.03 where it states that a "foreign priority date for the reference under 35 USC § 119 (a)-(d) (f), and 365(a) cannot be used to antedate the application filing date.)

The present invention has an amended cross-reference to related applications that occurred in the Preliminary Amendment dated October 10, 2001. In the amended cross-reference to related applications a chain of priority was claimed that led back to US Application Serial Number 08/082,291, filed June 24, 1993 (now abandoned). Thus, the present invention has a priority date of June 24, 1993 and the critical date for Wise as a reference under 35 USC § 102(e) is June 24, 1993 as well. Since 35 USC § 102(e) is limited to situations where an application is filed in the United States before the invention thereof by the Applicant, and since the present invention is not predated by the critical date of Wise, Applicant respectfully requests that the rejection be withdrawn.

The prior art does not teach, suggest, or describe user data and an extension data associated with the respective different standards

The present claims include user data and extension data associated with the respective different standards, in conjunction with the start codes that are used

Docket No.: 94100423(EP)USC1X1C1D7D1 PDDD
USSN: 09/974,530

PATENT
Art Unit: 2613

to identify the different standards. As shown in column 129 of Wise, the parent to the present application, the coding standards provide a number of mechanisms to allow data to be embedded in the data stream whose use is not currently defined by the coding standard. This might be application specific "user data" that provides extra facilities for a particular manufacturer. Alternatively, it might be "extension data" . . . In accordance with the present invention . . . blocks of user and extension data preceded by start/marker codes can be detected by the start code detector.

The prior art does not teach, suggest, or describe the use of user and extension data in association with the start codes. As such, the present claims are not anticipated by the prior art.

Docket No.: 94100423(EP)USC1X1C1D7D1 PDDD
USSN: 09/974,530

PATENT
Art Unit: 2613

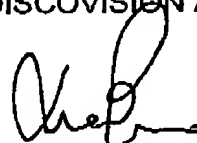
CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

DISCOVISION ASSOCIATES



Micah P. Goldsmith, Esq.
Reg. No. 43,638

Dated: 5/25/05

DISCOVISION ASSOCIATES
INTELLECTUAL PROPERTY DEVELOPMENT
P. O. BOX 19616
IRVINE, CA 92623
(949) 660-5000

P:\ABG\PPDPDD\941004-(EP)US\C1X1C1D7D1\amend_02.doc